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09/355,991	08/24/1999	YUJI YAMAMOTO	P806-9022	7196

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EXAMINER

AN, SHAWN S

PART UNIT

PAPER NUMBER

2613

DATE MAILED: 07/16/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/355,991

Applicant(s)
Yuji Yamamoto

Examiner
Shawn An

Art Unit
2613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 30, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 20, 21, and 23-25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 14, 20, and 21 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2613

DETAILED ACTION

Response to Amendment

1. As per Applicant's instructions in Paper 9 as filed on 4/30/03, claims 13-14 and 20 have been amended and claims 15-19 and 22 have been canceled.

Response to Remarks

2. Applicant's arguments with respect to claims 1-12 and 23-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-4, 6-9, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lipton et al (5,193,000).

Art Unit: 2613

Regarding claims 1 and 2, Lipton et al discloses a digital broadcast receiver, comprising:
receiving means for demodulating and decompressing received video data and outputting pixel data (Fig. 10, 7); and

determining means for detecting characteristic of the video data, and determining whether the video data is video data in accordance with a stereoscopic broadcasting method (col. 5, lines 49-51);

Regarding claim 3, Lipton et al discloses video data is first video data in accordance with the stereoscopic broadcasting method and the determining means determines whether the received video data is the first video data (stereoscopic) or second video data (non-stereoscopic) (col. 5, lines 49-51);.

Regarding claim 4, Lipton et al discloses the first video data constituting the arrangement by a first block (Fig. 8, 802) including pixel data for the right eye, and a second block (803) including pixel data for the left eye. Furthermore, a video frame inherently comprises pixel data arranged in a matrix in horizontal and vertical directions.

Regarding claim 6, Lipton et al teaches reproducing and displaying with non-interlace scanning method (col. 10, lines 2-5).

Regarding claims 7 and 8, Lipton et al discloses a display apparatus, comprising:
separation means (Fig. 11, 21) for separating and outputting a synchronous signal from a received video signal.

determining means for determining video signal is in accordance with a stereoscopic broadcasting method (col. 5, lines 49-51); and

reproducing and display means (Fig. 2) for displaying to the user based on the result of determination by the determination means for displaying first video signal (stereoscopic) or second video signal (non-stereoscopic) on the monitor; and

Art Unit: 2613

Regarding claim 9, Lipton et al discloses an image plane for a right eye video signal obtained by interlace scanning method and an image plane for a left eye video signal obtained by interlace scanning method (col. 10, lines 63-68 and col. 11, lines 1-14).

Lipton et al discloses reproducing and displaying with non-interlace scanning method (col. 10, lines 2-5).

Regarding claim 23, Lipton et al discloses a video data recording apparatus, comprising:
video processing means (Fig. 1C) for forming video data of one channel by arranging an image corresponding to a first video signal (120) and a second video signal different from each other (121), divided into upper (802) and lower (803) portions on one image plane (Fig. 8);
compressing means (Fig. 1C, 122-123) for compressing video data;
recording means (Fig. 1C, RECORDER) for recording the compressed video data on a recording medium.

Regarding claim 24, Lipton et al discloses a video data reproducing apparatus, comprising:

reproducing means (Fig. 3, 302) for reproducing the compressed video data from the recording medium;
decompressing means (Fig. 10, 7) for decompressing the reproduced compressed video data; and
video recovery means (Fig. 3, 303; Fig. 15A, SQUEEZED IMAGES) for receiving the decompressed video data for recovering the first and second video signal.

Regarding claim 25, Lipton et al discloses a video data recording and reproducing apparatus, comprising:

compressing means (Fig. 1C, 122-123) for compressing video data;
recording means (Fig. 1C, RECORDER) for recording the compressed video data on a recording medium;

Art Unit: 2613

reproducing means (Fig. 3, 302) for reproducing the compressed video data from the recording medium;

decompressing means (Fig. 10, 7) for decompressing the reproduced compressed video data; and

video recovery means (Fig. 3, 303; Fig. 15A, SQUEEZED IMAGES) for receiving the decompressed video data for recovering the first and second video signal.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lipton et al as applied to claim 2 above, and further in view of Tahara (5,633,682).

Regarding claim 5, Lipton et al discloses storing means (Fig. 10, 8) for receiving and storing the pixel data of a specific area of the first block, and second block corresponding to specific area of the first block.

Lipton et al does not particularly disclose processing means for comparing the pixel data of specific area of the first block with the pixel data of specific area of the second block for determining and outputting whether received video data is the first or the second video data.

However, Tahara teaches processing means (Fig. 6, 33) for comparing (color difference) the pixel data of specific area of the first block with the pixel data of specific area of the second block.

Art Unit: 2613

Therefore, it would have been considered quite obvious to a person of ordinary skill in the relevant art employing a digital broadcast receiver as taught by Lipton et al to incorporate the processing means as taught by Tahara for comparing the pixel data of specific area of the first block with the pixel data of specific area of the second block so as to determine and output whether the Lipton et al's received video data is the first or the second video data.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lipton et al (5,193,000).

Regarding claim 10, Lipton et al discloses vertical (V) sync signal (Fig. 11, H,V). Since first video signal (stereoscopic) and second video signal (non-stereoscopic) have inherently different formats, it is considered an quite obvious feature for first video signal (stereoscopic) and second video signal (non-stereoscopic) to have mutually different frequencies.

8. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipton et al as applied to claims 9 and 10 above, respectively, and further in view of Kondo et al (6,304,243 B1).

Regarding claims 11 and 12, Lipton et al disclose the conventionally well known reference clock generating means (Fig. 10, 7, CLOCK);
count means (Fig. 11, 25) for counting;
latch means (Fig. 14, 51-52) for latching the count value;
control signal generating means (Fig. 10, 9) for generating control signal to cause the latch means to latch the count value, and cause the counter to reset the count.

Lipton et al does not seem to disclose processing means obtaining the count value from the latch means and comparing the count value from the latch means for determining whether video signal is stereoscopic or non-stereoscopic, and when the count value is not received then determine that the sync signal is different from the first and second broadcasting methods.

Art Unit: 2613

However, Kondo et al teaches the conventionally well known reference clock generating means (Fig. 5, CK), count means (1401), latch means (1394), control signal generating means (Fig. 2, 4), and processing means (6 and 8).

Therefore, it would have been considered quite obvious to a person of ordinary skill in the relevant art employing a broadcast receiver as taught by Lipton et al to incorporate processing means as taught by Kondo et al so that the processing means obtains the count value from the latch means and compare the count value from the latch means so as to determining whether the Lipton et al's video signal is stereoscopic or non-stereoscopic, and when the count value is not received then determine that the sync signal is different from the first and second broadcasting methods for effectively displaying different modes such as stereoscopic, non-stereoscopic, auto-stereoscopic display, etc.

Allowable Subject Matter

9. Claims 13-14 and 20-21 are allowed as having incorporated the allowable subject matter as discussed in the last Official action as Paper 7.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A) Lumelsky et al (6,088,045), High definition multimedia display.

Art Unit: 2613

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday-Friday.

SHAWN AN
PATENT EXAMINER



SSA

July 13, 2003